

REMARKS

1. Examiner objected to the abstract as not being drawn to the kit being claimed in the application.
2. An amended abstract is enclosed herewith.
3. Examiner objected to the specification due to a typographical error on page 5.
4. Page 5 has been amended herein to correct the error.
5. Examiner objected to claims 2-9 and 11-22 due to an inconsistency in the preamble.
6. Claims 2-9 and 11-22 have been amended herein to be consistent with their base claims.
7. Examiner noted that no claim 20 was present in the listing of claims filed.
8. To avoid confusion with the office action rejecting claims 21 and 22 and Applicant's instant response, Applicant has listed claim 20 as canceled. New claims in this amendment are numbered beginning at claim 23.
9. Examiner rejected claims 1-4, 6, 8 and 9 under 35 USC 102(b) as being anticipated by Shmulewitz (US 5,961,548).
10. Applicant submits that claim 1, as amended, is patentable over Shmulewitz by recitation of the following novel and non-obvious feature:

“a piercing element on the guidewire at a location intermediate the proximal end and the distal end”
11. The guidewire shown in Shmulewitz is used such that “nose cone 49 pierces perforation 31 in graft material 30.” No piercing element is located between the proximal and distal ends of the guidewire as in Applicant's claimed configuration.

Since the feature recited in Applicant's claim 1 is not disclosed by Shmulewitz, Applicant submits that claim 1 is novel over Shmulewitz. Allowance of claim 1 is respectfully requested.

12. Claims 2-4, 6, 8 and 9, being dependent on claim 1, should also be in allowable form.

Allowance of these claims is respectfully requested.

13. Furthermore, Applicant respectfully disagrees with Examiner's assertion that the limitations of claim 8 do not distinguish the guidewire. Applicant submits that one of ordinary skill in the art would understand the limitation of "a rearward-facing piercing element," particularly in light of the description in the specification:

"Alternatively or in conjunction with the guiding catheter and guidewire technique of FIGS 15 and 20, a special guidewire 140 with a retrograde or rearwardly-facing piercing element 142 may be used to pierce the primary and/or secondary fenestrated endovascular grafts 102, 104 to form the fenestrations at the ostia of the sidebranches. Preferably, the guidewire 140 is constructed with a flexible distal portion 144 and a relatively stiffer proximal portion 146, with the rearwardly-facing piercing element 142 mounted in the vicinity of the flexible distal portion 144." (page 11, lines 25-31)

14. Examiner rejected claims 5 and 7 under 35 USC 103(a) as being unpatentable over Shmulewitz (US 5,961,548) in view of Wisselink (US 5,984,955).

15. As discussed above with respect to claim 1, Shmulewitz does not disclose a "a piercing element on the guidewire at a location intermediate the proximal end and the distal end."

Wisselink discloses a balloon-anchorable guidewire system. Again, no piercing element is located between the proximal and distal ends of the guidewire as in Applicant's claimed configuration.

Therefore, Applicant submits that claims, 5 and 7 are novel and nonobvious over Shmulewitz, Wisselink and any combination thereof. Allowance of claims 5 and 7 is respectfully requested.

16. Examiner rejected claims 10-16, 18, 21 and 22 under 35 USC 103(a) as being unpatentable over Dereume et al. (US 5,723,004) in view of Shmulewitz (US 5,961,548).

17. Applicant submits that claim 10, as amended, is novel and non-obvious over Dereume et al and Shmulewitz by recitation of the following novel and non-obvious feature:

“a piercing element on said guidewire at a location intermediate said proximal end and said distal end”

18. Dereume et al. appears to use two standard guidewires with no piercing elements. And as discussed above, the guidewire shown in Shmulewitz also fails to disclose Applicant's claimed piercing element configuration.

Since neither of the cited references disclose or suggest the feature recited in Applicant's claim 10, Applicant submits that claim 10 is novel and nonobvious over Dereume et al., Shmulewitz and any combination thereof. Allowance of claim 10 is respectfully requested.

19. Claims 11-16, 18, 21 and 22, being dependent on claim 10, should also be in allowable form. Allowance of these claims is respectfully requested.

20. Examiner rejected claims 17 and 19 under 35 USC 103(a) as being unpatentable over Dereume et al. (US 5,723,004) in view of Shmulewitz (US 5,961,548) in further view of Wisselink (US 5,984,955).

21. As discussed above with respect to the prior claims, none of the cited references (Dereume et al, Shmulewitz and Wisselink) discloses or suggests a “a piercing element on the guidewire at a location intermediate the proximal end and the distal end.”

Since none of the references disclose or suggest this claimed feature, Applicant submits that claims, 17 and 19, are novel and nonobvious over Dereume et al., Shmulewitz, Wisselink and any combination thereof. Allowance of claims 17 and 19 is respectfully requested.

22. New claims 23-30 are also novel and nonobvious over the prior art. Allowance of these claims is also respectfully requested.

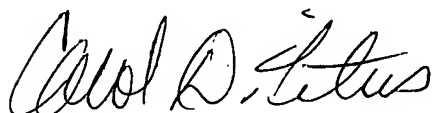
23. Applicant reserves the right to submit method claims depending from or having all the limitations of at least one allowable apparatus claim as per MPEP 821.04.

CONCLUSION

For all the reasons above, Applicant submits that the claims all define novel subject matter that is nonobvious. Therefore, allowance of these claims is submitted to be proper and is respectfully requested.

Applicant invites the Examiner to contact Applicant's representative as listed below for a telephonic interview if so doing would expedite the prosecution of the application.

Very respectfully submitted,




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Signature


Carol D. Titus

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